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In re Application of	:	DECISION ON
Schwaab et al	:	
Int. Application: PCT/EP2004/009046	:	
Application No.: 10/568,401	:	
Int. Filing Date: 12 August 2004	:	REQUEST UNDER
Priority Date: 14 August 2003	:	
Attorney's Docket No.: 06-131	:	
For: Reflective Layer	:	37 CFR 1.181

This is a decision on applicants' "RESPONSE TO NOTICE TO FILE MISSING PARTS OF APPLICATION" filed on 02 May 2008, which is being treated as a request under 37 CFR 1.181 that all inventors listed in the executed declaration were in fact listed in the international application PCT/EP2004/009046.

**BACKGROUND**

On 12 August 2004, applicants filed international application No. PCT/EP2004/009046 claiming a priority date of 14 August 2003. The international application lists Gilles Schwaab, Bjorn Lunau and Dr. Jorn Schroer as applicant/inventors and applicants for the purpose for the US only.

On 24 February 2005, the IB published the international application and Gilles Schwaab, Bjorn Lunau and Dr. Jorn Schroer were not listed.

On 13 February 2006, applicants filed a Transmittal Letter for entry into the national stage in the United States of America. Filed with the Transmittal Letter was, inter alia, the requisite basic national fee, and an executed declaration. The executed declaration lists Gilles Schwaab, Bjorn Lunau and Dr. Jorn Schroer, however they were not listed in the international publication.

On 09 April 2008, the United States Designated/Elected Office (DO/EO/US) mailed a "NOTIFICATION OF MISSING REQUIREMENTS UNDER 35 U.S.C. 371 IN THE UNITED STATES DESIGNATED/ELECTED OFFICE (DO/EO/US)" (Form PCT/DO/EO/905) which informed applicant, inter alia, that an "Oath or declaration of the inventors, in compliance with 37 CFR 1.47(a) and (b), identifying the application by International application number and international filing date." The current oath or declaration does not comply with 37 CFR 1.497(a) and (b) in that it: The inventors on Oath does not match the Inventor on the International Application.

✓ On 02 May 2008, applicants submitted a "Response to Notice to File Missing Parts of Application," the declaration filed is proper because the PCT Request showing all inventors as shown on the Declaration.

### **DISCUSSION**

A review of the PCT Request shows that Gilles Schwaab, Bjorn Lunau and Dr. Jorn Schroer **are listed as applicant/inventors** and applicants for the purpose for the US only.

In addition, the IB has stated that due to a clerical error, these 3 applicant/inventors for the US were not entered and not published. As a result, the IB will republish the front page of the pamphlet on 03 July 2008 to correct the error.

Accordingly, the executed declaration filed on 13 February 2006 is proper.

### **CONCLUSION**

For the reasons above, the request under 37 CFR 1.181 is **GRANTED**.

This application is being returned to the United States Designated/Elected Office (DO/EO/US) for continued processing consistent with this decision. The 35 USC 371(c)(1), (c)(2), and (c)(4) date of this application is **13 February 2006**.



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